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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,451	08/14/2001	Akihiko Okada	Q65793	8140

7590 07/15/2005

SUGHRUE, MION, ZINN  
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2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER
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THAI, CANG G

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,451

Applicant(s)

OKADA, AKIHIKO

Examiner

Cang G. Thai

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

The amendment filed on 04/28/2005 has been entered.

Applicant cancelled claim 13.

Applicant added new claim 14.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 14 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,937,158 (URANAKA).

As for claim 2, URANAKA discloses a computer peripheral sales promoting system comprising:

a service status detecting means for detecting a service status of a computer peripheral, URANAKA teaches in case the validity checking means 626 is provided in the correspondence education server 620 or in case it is provided in other than the correspondence education server 620 but the result of judgment is transmitted to the correspondence education server 620, the status of illegitimate reproduction can be identified by the correspondence education server 620 would read over a service status detecting means for detecting a service status of a computer peripheral

{Column 16, Lines 29-36}. It appears checking and identifying the correspondence would also mean detecting the service status.

a customer product information storing means for storing specification information of said computer peripheral and user information of said computer peripheral and also for consecutively updating and storing a service status detected by said service status detecting means is provided to said computer peripheral {Column 25, Lines 15-19, wherein this reads over "the central control means of the retrieval server retrieves the information providing the server having the information, which the information retriever seeks, among the information providing server group using the server"}; and

a sales promoting terminal for making access to said customer product information storing means to thereby read out said specification information, said user information, and service status, URANAKA teaches the proposed to supplement the information in CD-ROM by Internet home page would read over how a purchasing a CD-ROM at a bookstore can read on sales promoting terminal. Because the catalog on CD-ROM is distributed only be several times annually, it may take some time until changes of price or specification, or addition of new products will be included in the catalog. Therefore, it is proposed to supplement the information in CD-ROM by Internet home page to get the current sales

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promotion. In so doing, it is possible to utilize the catalog, which always offer the newest information {Column 1, Lines 45-52}.

As for claim 1, URANAKA discloses a computer peripheral sales promoting system comprising:

a service status detecting means for detecting a service status of a computer peripheral, URANAKA teaches in case the validity checking means 626 is provided in the correspondence education server 620 or in case it is provided in other than the correspondence education server 620 but the result of judgment is transmitted to the correspondence education server 620, the status of illegitimate reproduction can be identified by the correspondence education server 620 would read over a service status detecting means for detecting a service status of a computer peripheral {Column 16, Lines 29-36}. It appears checking and identifying the correspondence would also mean detecting the service status.

a customer product information storing means for storing specification information of said computer peripheral and user information which specifies a user of said computer peripheral and also for consecutively updating and storing a service status detected by said service status detecting means are provided in a computer which serves as an upper-level system for said computer peripheral {Column 17, Lines 26-31, wherein this reads over "an electronic catalog DVD, which contains data relating to the commodity such as specifications, external appearance,

price, commodity code, etc. of the commodity to be sold, program used for certification of the user, and purchase history information storage area”}.

It appears that the DVD would read over the service status through purchase history by the user.

a sales promoting terminal for making access to said customer product information storing means to thereby read out said specification information, said user information, and service status, URANAKA teaches the proposed to supplement the information in CD-ROM by Internet home page would read over how a purchasing a CD-ROM at a bookstore can read on sales promoting terminal. Because the catalog on CD-ROM is distributed only be several times annually, it may take some time until changes of price or specification, or addition of new products will be included in the catalog. Therefore, if is proposed to supplement the information in CD-ROM by Internet home page to get the current sales promotion. In so doing, it is possible to utilize the catalog, which always offer the newest information {Column 1, Lines 45-52}..

As for claim 3, URANAKA discloses the computer peripheral sales promoting system according to Claim 1, wherein said computer peripheral is arranged in a network {Column 10, Lines 58-60, wherein this reads over “as the network, it is possible to utilize LAN (local area network), WAN (wide area network), Internet, satellite network, etc”}.

As for Claim 4, which has same limitations as in Claim 3, therefore, it is rejected for the similar reasons set forth in Claim 3.

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As for claim 5, The computer peripheral sales promoting system according to Claim 1, wherein said computer peripheral is comprises a data storing apparatus {Column 17, Lines 1-5, wherein this read over "DVD is used as the recording area of the media-utilizing information, while other media such as a floppy disk, CD-ROM, et. May be used as portable media, and the recording area of the main unit of media may be used as the recording area of the media-utilizing the information"}.

As for Claim 6, which has same limitations as in Claim 5, therefore, it is rejected for the similar reasons set forth in Claim 5.

As for Claim 7, which has same limitations as in Claim 5, therefore, it is rejected for the similar reasons set forth in Claim 5.

As for Claim 8, which has same limitations as in Claim 5, therefore, it is rejected for the similar reasons set forth in Claim 5.

As for claim 9, URANAKA discloses the computer peripheral sales promoting system according to Claim 5, wherein:

said specification information includes at least a disk capacity of said data storing apparatus (Element 301); and

said service status detecting means detects a spent disk capacity and a load status of said data storing apparatus as a service status {Column 1, Lines 27-29, wherein this reads over "the CD-ROM thus obtained is placed into a CD-ROM drive of a personal computer at had to display the content of the catalog"}.

As for Claim 10, which has same limitations as in Claim 9, therefore, it is rejected for the similar reasons set forth in Claim 9.

As for claim 11, which has same limitations as in Claim 9, therefore, it is rejected for the similar reasons set forth in Claim 9.

As for claim 12, As for Claim 8, which has same limitations as in Claim 9, therefore, it is rejected for the similar reasons set forth in Claim 9.

Applicant cancelled claim 13.

As for claim 14, which has same limitations as in Claim 2, therefore, it is rejected for the similar reasons set forth in Claim 9.

### ***Response to Arguments***

3. Applicant's arguments filed 04/28/2005 have been fully considered but they are not persuasive.

URANAKA teaches the proposed to supplement the information in CD-ROM by Internet home page would read over how a purchasing a CD-ROM at a bookstore can read on sales promoting terminal. Because the catalog on CD-ROM is distributed only be several times annually, it may take some time until changes of price or specification, or addition of new products will be included in the catalog. Therefore, if is proposed to supplement the information in CD-ROM by Internet home page to get the current sales promotion. In so doing, it is possible to utilize the catalog, which always offer the newest information {Column 1, Lines 45-52}.

URANAKA teaches in case the validity checking means 626 is provided in the correspondence education server 620 or in case it is provided in other than the correspondence education server 620 but the result of judgment is transmitted to the correspondence education server 620, the status of illegitimate reproduction can be



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identified by the correspondence education server 620 would read over a service status detecting means for detecting a service status of a computer peripheral {Column 16, Lines 29-36}. It appears checking and identifying the correspondence would also mean detecting the service status.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

No claims are allowed.

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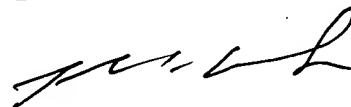
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT  
07/11/2005

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